

REMARKS

In the outstanding Office Action, claims 1 – 48 were subjected to a restriction requirement, and the application was further subjected to three election of species requirements. By this response, elections are made without traverse, and claims 1 – 3, 8, 9, and 11 – 19 are presented for a first examination on the merits.

RESTRICTION AND ELECTION REQUIREMENT SUMMARY

The Examiner has required restriction to one of four inventions under 35 U.S.C. 121 and 372.

Invention I: Claims 1 – 19, asserted to be drawn to a system;

Invention II: Claims 20 – 34, asserted to be drawn to a method of use;

Invention III: Claims 35 – 44, asserted to be drawn to a tool for a cradling member;

and

Invention IV: Claims 45 – 48, asserted to be drawn to a kit.

The Examiner asserts that the inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features.

Further, the Examiner has required that the application be restricted to one of three species and two of six subspecies, deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Species A (asserted to correspond to fig. 3H);

Species B (asserted to correspond to fig. 4G);

Subspecies U, threaded (asserted to correspond to claims 4, 5, and 27);

Subspecies V, stitching (asserted to correspond to claim 6);

Subspecies W, clasp (asserted to correspond to claim 7);

Subspecies X, hook (asserted to correspond to claim 8);

Subspecies Y, Polyester Gortex (erroneously asserted to correspond to claims 10 and 32, in actuality corresponding to claims 11 and 33); and

Subspecies Z, tendons (asserted to correspond to claims 11 and 33, in actuality corresponding to claims 10 and 32).

RESPONSE

Applicants elect, without traverse, to continue prosecution of Invention I, claims 1 – 19. Claims 20 – 48 are accordingly withdrawn.

Applicants further elect, without traverse, to continue examination of Species B, corresponding to figure 4G. Applicants respectfully assert that claims 1 – 19 are generic to both Species A and Species B, since the figures identified by the Examiner both illustrate interim steps of carrying out a breast lift procedure, and, taken individually, correspond to all pending claims.

Applicants further elect, without traverse, to continue examination of Subspecies X, hook, corresponding to claim 8. Claims 4, 5, 6, and 7 are accordingly withdrawn.

Applicants still further elect, without traverse, to continue examination of Subspecies Y, Polyester Gortex, corresponding to claim 11, Claim 10 is accordingly withdrawn.

Thus, Applicants present claims 1 – 3, 8, 9, and 11 – 19 for examination on the merits.

Applicants respectfully remind the Examiner that upon the allowance of a generic claim, Applicants will be entitled to consideration of additional species or subspecies which include all the

limitations of an allowed generic claim. Applicants submit that:

- claims 1 – 19 are generic to species A and B;
- claims 1 – 3 and 9 – 19 are generic to subspecies U, V, W, and X; and
- claims 1 – 9 and 12 – 19 are generic to subspecies Y and Z.

CONCLUSION

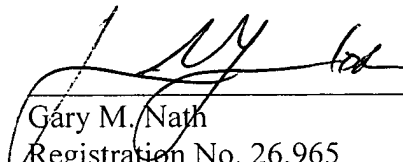
In view of the foregoing, Applicants respectfully request the Examiner to conduct a first substantive examination of claims 1 – 3, 8, 9, and 11 – 19.

The Examiner is welcomed to contact the undersigned attorney at the below-listed number and address with any questions or comments regarding this matter.

Respectfully submitted,
THE NATH LAW GROUP

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THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
(703)548-6284



Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Matthew J. Moffa
Registration No. 58,860
Customer No. 20529